

REMARKS

This amendment is submitted in response to the Examiner's Final Action dated April 30, 2004. Applicant has amended the claims by incorporating features of dependent claims into their respective independent claims. Applicant has further rewritten one dependent claim in independent form, including the features of the independent claim from which it previously depended. No new matter has been added, and the amendments place the claims in better condition for allowance and reduce issues for appeal. Applicant respectfully requests entry of the amendments to the claims. The discussion/arguments provided below reference the claims in their amended form.

INVENTION SUMMARY

Applicant's invention provides a method for tracking and displaying **available minutes** under a calling plan for a user of a cellular telephone. A menu item is provided that enables the user to configure the cellular phone to track the minutes in the plan and provide an **output of the available minutes left**. The output may be a numerical output and/or a **graphical bar** (also referred to as a **time tracking bar**). In one embodiment, a **non-zero threshold value** is selected at which the user is alerted that he/she is approaching the end of available minutes under the plan.

As recited by Claim 1, Applicant's invention provides a cellular phone with the following functional features:

- (1) "providing a user-selectable option for **tracking available usage time** remaining within said service plan minutes;"
- (2) "prompting ... and displaying available minutes information on said built-in display device...selected from among ...**displaying a time tracking bar** indicative of a percentage of available minutes remaining...;" and
- (3) "displaying **available time** of said service plan on the built-in display device of said cellular phone" (emphases added).

As recited by Claim 6, Applicant's invention further comprises:

(4) "pre-selecting a **non-zero threshold** number of minutes of time at which to alert a user that the available usage time within said service plan is approaching zero; and **outputting an alert signal** when said available minutes reaches the pre-selected **non-zero threshold**, whereby said user is able to refrain from exceeding a total number of minutes within said service plan" (emphases added).

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

In the present Office Action, Claims 1-2, 4-10, 12, 14-19 and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Kaplan* in view of *Raith*. The features of Claims 2 and 10 are now incorporated into Claims 1 and 9, respectively, and claims 2 and 10 have been canceled.

L Displaying Time Tracking Bar

The combination of *Kaplan* and *Raith* does not suggest Applicant's claimed invention because the references, neither individually nor in combination, do not suggest the above features recited by Applicant's claimed invention. Most notably among the deficiencies in the combination is the lack of any mention or suggestion of displaying available usage time using a time tracking bar (or simply displaying a time tracking bar). Consequently, the combination also fails to suggest any functions related to the time tracking bar, such as selection of the time tracking bar (rather than or in addition to a numerical display) to display available minutes.

As provided within the Abstract and Summary, *Kaplan* provides a cell phone that tracks the length of time spent by a cell phone user on different types of transmissions (local, long distance, etc.). Examiner relies on *Kaplan* solely to place the minute usage tracking features of the combination within the cell phone (rather than by way of a separate, connected device). Examiner relies on *Raith* as the reference that suggests each of the main features of Applicant's claim. *Raith* provides a description of providing usage information for a subscriber via a numerical output --(NO graphical bar)-- of **number of minutes used** --(NOT minutes available)-- or amount of money used in a prepaid service.

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Applicant first notes that Examiner does not specifically address the time tracking bar functionality with respect to the teachings/suggestions of the combination. Examiner makes a statement that *Raith* uses "various techniques to distinguish between multiple values" and infers that this teaching somehow makes Applicant's time tracking bar obvious. *Raith* is very clear that the various display techniques refer solely to distinguishing between an actual value and an extrapolated value. Further, *Raith* merely displays the numerical value of minutes used, and *Raith* never contemplates nor suggests any other (non-numerical) type of display that would visually inform the user of available minutes. The time tracking bar and associated functionality are thus not suggested by the combination of references.

II. Displaying Available Minutes

Raith provides numerous references to "cumulative usage information," and all operations described within *Raith*, including the displaying of information, are described as operations on/with/for the "cumulative usage information." *Raith* therefore focuses specifically on used minutes (versus minutes available), and *Raith* describes methods for providing an extrapolated usage (based on an additive function with actual usage and minutes used for a single call) in place of the correct actual usage. Col. 6, line 13-16 of *Raith* states that "cumulative usage information may also include, for example, measures of remaining unused services, such as minutes or dollars... or other unit of allocated services." *Raith*, however, provides this sentence only in the context of another method for calculating cumulative usage information, and only cumulative usage information is displayed to the user.

Examiner apparently mischaracterizes what is taught by *Raith* at col. 10, ll 30-35, and col. 11, ll 52-64. These sections respectively describe (1) using some threshold to determine when the number of minutes in a block has been exceeded and (2) having different display types to distinguish between a display of extrapolated usage versus one of actual usage. These sections do not support a teaching or suggestion of tracking and displaying available minutes. Based on the above, it is clear that the combination does not suggest the tracking and display of available minutes. The combination, therefore, does not render obvious those features of Applicant's claims.

III. Non-Zero Threshold

The combination is also devoid of any mention or suggestion of selecting a non-zero threshold and functional effects of using the non-zero threshold. In fact, the combination specifically teaches use of a zero threshold. *Raith* specifically states "when cumulative usage ... exceeds the number of minutes in a subscriber's monthly billing plan" (col. 10, ll 1-10; emphasis added). It is clear that the threshold of interest to *Raith* is the entire plan amount and not some fractional (non-zero) component thereof. The specific "non-zero threshold" feature is thus not contemplated nor suggested by the combination.

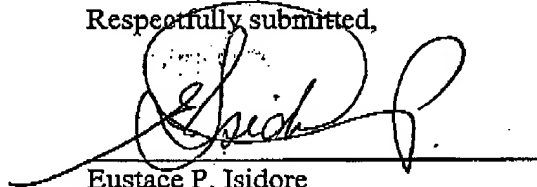
For the above reasons, one skilled in the art would not find Applicant's invention obvious in light of the combination. The above claims are therefore allowable.

CONCLUSION

Applicant has diligently responded to the Office Action by incorporating features of dependent claims into their respective independent claims and by explaining why certain features of the independent claims are not obvious over the combination of *Kaplan* and *Raith*. The amendments and arguments together overcome the § 103 rejections, and Applicant respectfully requests issuance of a Notice of Allowance for all claims now pending.

Applicant also requests the Examiner contact the undersigned attorney of record at 512.343.6116 if such would further or expedite the prosecution of the present Application.

Respectfully submitted,



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